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OMB 0651-0031

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**REQUEST FOR
CONTINUED
EXAMINATION (RCE)
TRANSMITTAL**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/090,316
Filing Date	March 1, 2002
First Named Inventor	Peter G. Borden
Art Unit	2877
Examiner Name	Rosenberger, Richard A.
Attorney Docket No.	BOX006 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114**a. ☒ Previously submittedi. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(any unentered amendment(s) referred to above will be entered)ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ii. ☒ Other Copy of Information Disclosure Statement dated 1/5/04 (2 pages); PTO Form 1449

(4pages)

b. ☒ Enclosedi. ☒ Amendment/Reply (10 pages)iii. ☒ Information Disclosure Statement (IDS) (2 pages)ii. ☐ Affidavit(s)/Declaration(s)iv. ☒ Other Return Receipt PostcardCredit Card Payment Form (1 page)
PTO Form 1449 (1 page)2. **Miscellaneous**a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)b. ☒ Other --- ASSIGNEE DOES NOT CLAIM SMALL ENTITY STATUS; ALSO PLEASE UPDATE ATTORNEY DOCKET NUMBER IN YOUR RECORDS -- AS SHOWN ABOVE.3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.a. ☒ The director is hereby authorized to charge any underpayments or credit any overpayments, to Deposit Account No. 50-2263, for each of the following:i. ☒ RCE fee required under 37 CFR 1.17(e)ii. ☒ Excess Claim Fees on entry of attached amendmentiii. ☒ Any other fee for this applicationb. ☐ Check in the amount of \$ _____ enclosedc. ☒ Payment by credit card (Form PTO-2038 enclosed); See attached Fee Transmittal for \$968.00

04/26/2004 SDIRECTA1 00000663 10090316

01 FC:1601

02 FC:1E0E

770.00 DP
198.00 DP**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)

Omkar K. Suryadevara

Registration No. (Attorney/Agent)

36,320

Signature

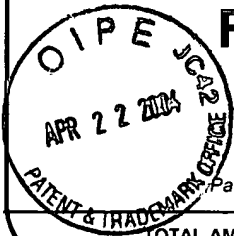
S. Omkar

Date April 22, 2004

Express Mail Label No.: ER 205 700 291 US

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FEE TRANSMITTAL FOR FY 2004



Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)**968.00**

Complete if Known

Application Number	10/090,316
Filing Date	March 1, 2002
First Named Inventor	Peter G. Borden
Group Art Unit	2877
Examiner Name	Rosenberger, Richard A.
Attorney Docket No	BOX006 US

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge any underpayment and credit any overpayments to:
- Deposit Account Number **50-2263**
- Deposit Account Name **Silicon Valley Patent Group LLP**
- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
- ☐ Check ☒ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)**0.00**

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
33-22	11	x 18	= \$ 198
Independent Claims	3-3	0	x 86 = \$ 0
Multiple Dependent	0	140	= \$ 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claims, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**198**

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee for provisional applications	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per properties (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	375	Request for Continued Examination (RCE)	770
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**770**

SUBMITTED BY

Name (Print/Type)	Omkar K. Suryadevara	Registration No. (Attorney/Agent)	36,320	Telephone	(408) 982-8200 ext. 3
Signature	<i>S. Omkar</i>	Date	April 22, 2004		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	10/090,316	Confirmation No.	5495
First Inventor	Peter G. Borden	Filing Date	March 1, 2002
Tech. Center/ Art Unit	2877	Examiner	Rosenberger
Title:	Apparatus and Method For Measuring A Property Of A Layer In A Multilayered Structure		
Docket No.:	BOX006 US	Customer No.:	34036

Santa Clara, California
April 22, 2004

Mail Stop: RCE
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

FILED WITH REQUEST FOR CONTINUED EXAMINATION

Dear Sir:

In response to Office Action dated January 22, 2004, please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.